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CHAPTER 306. SELECTIVE PLACEMENT PROGRAMS

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CHAPTER 306. SELECTIVE PLACEMENT PROGRAMS
(To Be Used With FPM Ch. 306)

1. SCOPE

This chapter contains the VA policies and procedures that are to be followed in implementing selective placement programs described in the Federal Personnel Manual, chapter 306. This chapter applies to all full-time, part-time and intermittent employees in both the competitive and excepted civil service, including employees in the Veterans Health Administration appointed under 38 U.S.C. ch. 74 and employees in the Veterans Canteen Service appointed under 38 U.S.C. ch. 78.

2. POLICY

a. VA will conduct affirmative employment programs to assure that disabled veterans and other people with disabilities receive positive consideration for employment, training, career development, reassignment, promotion, and retention. The services of qualified persons with disabilities--including those who are physically impaired, emotionally restored, mentally retarded, and rehabilitated offenders--will be utilized to the maximum extent practicable consistent with sound staffing and performance requirements. Full cooperation will be given to the President's Committee on Employment of People With Disabilities, the Office of Personnel Management, the Equal Employment Opportunity Commission, and other organizations engaged in implementing or furthering selective placement programs.

b. Standards for selection and employment of disabled veterans and other people with disabilities will be applied systematically, equitably and impartially. Employment actions involving these individuals will be taken without discrimination for such reasons as race, color, religion, national origin, sex, lawful political affiliation, marital status, age, physical or mental handicap or membership or nonmembership in a labor organization.

c. People with disabilities have demonstrated that they perform as capably as nondisabled people when assigned to work for which they are qualified. The criteria for selection of people with disabilities in each instance will be based on the matching of an applicant's total qualifications against the total requirements of the position, with the objective of making an effective placement. In no case will physical standards, including those of mental and emotional stability, be used arbitrarily to eliminate a person with disability(ies) from consideration for employment, training and development, reassignment, promotion, or retention.

d. The Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans' Readjustment Assistant Act of 1974, clearly set forth VA's mandate for providing maximum employment opportunities for qualified disabled veterans and other people with disabilities. VA Affirmative Employment Program Plans, established in accordance with the Rehabilitation Act of 1973, as amended, are fully applicable to disabled veterans. The rehabilitation, employment and advancement of these deserving individuals will be given top priority throughout VA.

e. In accordance with the provisions the Rehabilitation Act of 1973, as amended, and Office of Personnel Management guidelines in FPM chapters 306 and 300, facilities should take the initiative and cooperate fully with State vocational rehabilitation agencies desiring to enter into work experience agreements to assist persons with disabilities in acquiring skills and training.

Participating facilities will develop a host-enrollee agreement with the State rehabilitation agency and retain a copy for the duration of the agreement plus 2 years. Enrollees participating in a VA host-enrollee arrangement shall not be reimbursed or compensated by VA and shall not, by reason of their host-enrollee status, be considered Federal employees or subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, and Federal employee benefits. (References: 29 USC 791, Employment of individuals with disabilities, dated October 29, 1992; EEOC Management Directive 712, Affirmative Action for Hiring, Placement, and Advancement of Individuals with Handicaps, dated October 6, 1987; EEOC Management Directive 713, Comprehensive Affirmative Action Programs for Advancement of Handicapped Individuals, dated March 29, 1983.)

3. RESPONSIBILITIES

a. Administration heads, Deputy Assistant Secretaries and staff office heads are responsible for assuring that management and supervisory officials under their jurisdictions are fully aware of their important responsibilities for providing optimum career opportunities for disabled veterans, as well as other people with disabilities.

b. Within their respective jurisdictions, Directors of field facilities and cemetery Directors are responsible for the continuing improvement in all aspects of the selective placement programs, particularly in the hiring, utilization, training and development, and advancement of people with disabilities and with special emphasis on disabled veterans.

4. AFFIRMATIVE EMPLOYMENT PROGRAM PLANS

Affirmative employment program plans for people with disabilities and disabled veterans are required by section 501 of the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. These plans are developed in accordance with instructions issued by the Equal Employment Opportunity Commission and the Office of Personnel Management. Internal VA instructions for plan preparation and submission are issued by the Office of Equal Opportunity.

5. COORDINATORS FOR SELECTIVE PLACEMENT OF PEOPLE WITH DISABILITIES

a. VA Coordinators for the Selective Placement of People with Disabilities are responsible for carrying out the policies and procedures for the selective placement program as prescribed by FPM chapter 306, subchapter 3, and VA policy. The Deputy Assistant Secretary for Equal Opportunity is designated as the VA Coordinator for Selective Placement of People with Disabilities, and is responsible for developing and coordinating VA policy governing agency affirmative employment plans and related programs for the employment and advancement of disabled veterans and people with disabilities. Program management responsibility is assigned to the Director, Affirmative Employment Service. (Program management responsibility for the processing of discrimination complaints related to people with disabilities is assigned to the Deputy Assistant Secretary for Resolution Management.)

b. The Deputy Assistant Secretary for HRM is responsible for developing and coordinating technical employment policies and related program instructions which facilitate VA career opportunities for disabled veterans and people with disabilities. Program management responsibility is assigned to the Group Leader, Customer Advisory and Consulting Group (051).

c. HRM Officers at field facilities and the Team Leader, Headquarters and Executive Resources Team, are designated as Coordinators for Selective Placement of People with Disabilities within their respective jurisdictions. They have primary staff responsibility for selective placement program development, including training and orientation of management and supervisory officials, recruitment and placement of people with disabilities and disabled veterans, development of field facility affirmative employment plans, evaluation of Selective Placement Program results and reporting affirmative employment accomplishments to VA Central Office.

6. PLACEMENT REQUIREMENTS

a. **General (See ch. 300, this part).** In many instances, a specific disability bears no relationship to the actual abilities, skills, and knowledges required for successful performance of a specific job. It is essential therefore, that each appointing officer and selecting official consider the individual capabilities of each disabled veteran or other person with disability(ies) in relation to the actual physical, mental, and emotional requirements of the position. Particular attention will be given to the degree to which the applicant or employee with disability(ies) has compensated for any impairment by the development of special skills or methods, by the use and sharpening of unimpaired senses, or by the use of prosthetic devices. If there is a history of emotional or mental disturbance, the degree of restoration which has been attained will be given special consideration. In addition, sound job redesign techniques should be appropriately employed to facilitate the placement and retention of qualified other people with disabilities. Often, reasonable accommodation such as relatively minor work flow adaptations, worksite modifications or job restructuring will enable people with disabilities to function effectively in positions which otherwise might appear to be unsuitable for individuals with particular disabilities. Appointing officers and selecting officials should explore the full range of placement flexibilities available in efforts to make effective placements of disabled veterans and people with disabilities. This should include seeking professional advice and assistance from appropriate resources, including VA expertise, when necessary in making sound placement decisions. In particular, the guidance of counseling and rehabilitation specialists at VA regional offices and medical care facilities should be fully considered. People with severe physical disabilities appointed under 5 CFR 213.3102(u) in Schedule A may be afforded concurrent consideration with competitive service employees under merit promotion procedures. Such an approach may significantly improve upward progression opportunities for employees with severe physical disabilities. (See ch. 335, sec. C, par. 1d, this part.)

b. **Physical Standards (see 5 CFR Part 339).** The Office of Personnel Management is responsible for establishing physical requirements, including mental and emotional stability, for all positions in the competitive service. These requirements are issued as a part of the qualifications standards, including those issued by VA under authority contained in chapter 338, this part. (See VHA Supplement, appendix 338A, this part). A general physical requirements paragraph applies to all General Schedule qualification standards covering occupations in which the positions typically involve sedentary, light, or moderate duties. A more detailed physical requirements paragraph applies to qualification standards for occupations in which the positions typically

involve arduous or hazardous duties. Excepted civil service qualification standards established by appointing officers will be governed by these same physical requirements paragraphs, as appropriate.

c. **Physical Examinations.** As a general rule, people with disabilities will have their fitness for employment--initial assignments and, as necessary, position changes--determined through the use of SF 78, Certificate of Medical Examination, to make sure that their placements are proper, effective, and compatible with their impairments. Only those functional requirements and environmental factors applicable to the specific job are to be designated. The personnel physician or designated medical officer (ch. 792, this part) will review the health qualification findings for the purpose of recommending employment where the abilities of the individual are predictive of successful performance in the position without hazard to the individual or others.

d. **Written Tests.** Where written tests are required by the Office of Personnel Management or approved for use by the Deputy Assistant Secretary for HRM, appropriate arrangements will be made for applicants with physical impairments to demonstrate pertinent knowledges, skills, and abilities by testing methods adapted to their special needs and circumstances. This includes those who are blind, deaf, and all others who may have difficulties in taking an examination in the normal manner.

e. **Placement Evaluations (ch. 300, this part).** Special attention will be given to the 90-day placement followup and the probationary (trial) period certification as one means of ensuring that the employee with disability(ies) is properly placed and has full opportunity to succeed. Should another assignment be indicated or if termination cannot be justifiably avoided, appropriate personnel action will be taken. (See ch. 302, par. 9, this part, for trial period requirements as well as separations during the trial period.)

7. REASSIGNMENT IN LIEU OF DISABILITY RETIREMENT

Employees who become disabled as a result of work injuries, off-the-job accidents, or disease will be given full opportunity to continue employment in their present positions or, if possible, assigned to more suitable positions. If necessary, vocational rehabilitation services of public or private agencies, at no cost to VA, will be utilized to every practical degree to prepare the employee with disability(ies) for continued employment. (For *reporting purposes*, care should be taken that the personnel records of employees *acquiring* a reportable handicap or becoming entitled to disability (Veteran) preference are properly updated to reflect the appropriate changes.)

8. SEVERELY PHYSICALLY HANDICAPPED PERSONS

a. Field facilities may appoint severely physically disabled veterans and other persons who are considered to be severely physically disabled using the temporary trial appointment authority in 5 CFR 316.403(b)(5) or the nontemporary excepted appointment procedure under 5 CFR 213.3102 (u) in Schedule A without prior approval from the Office of Personnel Management. Individuals appointed under this authority may be converted noncompetitively after 2 years of successful performance to career-conditional appointments (or career, if appropriate) depending on the length of creditable service. (See 5 CFR 315.709)

b. VA Regional Office Counseling Psychology and Medical Center Counseling Psychology Staffs will utilize the "Certification Procedure" (FPM ch. 306, sec. 4-2d) for placement of people with severe physical disabilities to the maximum extent possible in order to effect temporary trial appointments under 5 CFR 316.403(b)(5) or nontemporary excepted appointments under 5 CFR 213.3102(u) in Schedule A. Counseling Psychology Staffs and Facility Coordinators will pursue such techniques as part-time and intermittent appointments, job restructuring, worksite modifications and elimination of architectural barriers to facilitate placement and employment of severely physically disabled people.

9. THIRTY PERCENT COMPENSABLY DISABLED VETERANS

Under 5 CFR 315.707), a disabled veteran who has a compensable service-connected disability of 30 percent or more may be appointed under a noncompetitive appointment leading to conversion to career or career-conditional employment. (Details on this authority and other provisions for disabled veterans are found in ch. 307, this part.)

10. MENTALLY RESTORED PERSONS

a. The employment of qualified mentally restored individuals will also receive positive consideration. Such consideration is consistent with our responsibility to provide treatment and rehabilitation for mentally ill veterans. Accordingly, appointing officers will work with medical officials concerned and with other appropriate officials to facilitate the suitable employment and utilization of these persons.

b. 5 CFR 213.3202(k) in Schedule B. This excepted appointment authority was developed to provide mentally restored persons with ample opportunity to update their skills and to establish a successful performance record to counteract prejudice on the part of employers. To be eligible for appointment as a mentally restored individual, the person must be at a severe disadvantage in obtaining employment because of a psychiatric disability evidenced by hospitalization and/or outpatient treatment and have had a significant period of substantially disrupted employment because of the disability. In addition, the person must be certified to a specific position by a State vocational rehabilitation counselor or a VA psychologist (or a VA psychiatrist).

c. VA Regional Office Counseling Psychology and Medical Center Counseling Psychology Staffs will utilize the "Certification Procedure" for placement of mentally restored individuals to the maximum extent possible in order to effect excepted appointments under 5 CFR 213.3202(k) in Schedule B. Counseling Psychology Staffs and Facility Coordinators will pursue such techniques as part-time and intermittent appointments, job restructuring or other reasonable accommodation to facilitate placement and employment of mentally restored individuals.

11. MENTALLY RETARDED PERSONS

VA appointing officers may employ mentally retarded persons under authority of 5 CFR 213.3102(t) in Schedule A. Practically every facility in VA has some positions involving routine and repetitive work that qualified, mentally retarded individuals can perform satisfactorily. Accordingly, appointing officers will seek out possible applicants from their State Vocational Rehabilitation Agency for employment consideration. Through careful and considered placement action, the employment of these persons can be mutually advantageous to VA and the individual.

Individuals appointed under this authority may be converted noncompetitively after 2 years of successful performance to career or career-conditional appointments depending on the length of creditable service. (See 5 CFR 315.709)

12. REHABILITATED OFFENDERS

VA facilities will participate in the employment of rehabilitated offenders to the extent feasible under 5 CFR 213.3102(x) in Schedule A. In addition, field facility Directors and the Team Leader, Headquarters and Executive Resources Team, are authorized to enter into agreements with Federal and District of Columbia prisons to implement the work release program as described in FPM chapter 306, subchapter 8.

13. HANDICAP SELF-IDENTIFICATION PROCEDURE

HRM Officers will ensure that new appointees have the opportunity to voluntarily self-identify any medical condition they may have by completing an SF 256, Self-Identification of Handicap. Since an employee's handicap status may change, facilities will annually encourage employees to keep their handicap identification code current by visiting the HRM office to update their identification when necessary. Appointees and employees alike should be assured that the privacy of their handicap identification will be preserved. Handicap code data does not appear on their individual personnel records. These data are used only for statistical reports to reflect the level of support for, and the effectiveness of, VA's handicapped affirmative employment program. (Similarly, employees who may be disabled veterans should also be encouraged annually to ensure that their personnel records reflect their disability preference status.)

14. EMPLOYMENT OF READERS, INTERPRETERS, AND PERSONAL ASSISTANTS

FPM chapter 306, subchapter 5 contains guidance implementing the provisions of Pub. L. 96-523, dated December 12, 1980, concerning the employment of readers for blind employees, interpreters for deaf employees, personal assistants for otherwise handicapped employees and payment of personal assistance service for Federal advisory committee members with disabilities. These employment procedures are available for use, where applicable, at the option of the Director or designee at field facilities and/or appropriate administration head, Deputy Assistant Secretary, staff office head or designee in Headquarters. (See 5 CFR 213.3102 (II).)